

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE:

Marilyn B. Cavanaugh

Debtor

Case No. 20-10485-ja13

MOTION FOR ORDER ALLOWING WITHDRAWAL OF CITIMORTGAGE, INC'S.,
PROOF OF CLAIM DATED MAY 1, 2020 PURSUANT TO BANKRUPTCY RULE 3006

CitiMortgage, Inc. ("CitiMortgage") hereby seeks an order from the Court allowing it to withdrawal its Proof of Claim file on May 11, 2020 as Claim No. ("POC"). In support of its Motion for Order Allowing Withdrawal of CitiMortgage, Inc.'s Proof of Claim dated May 11, 2020 Pursuant to Bankruptcy Rule 3006 (the "Motion"), CitiMortgage states the following:

1. Proof of Claim No. 9 was originally filed on behalf of CitiMortgag on May 11, 2020 showing an estimated arrearage of \$23,904.43 and total estimated balance of \$154,682.26.

2. On June 19, 2020, the Debtor filed an objection to the POC related to amounts due under the Note (docket no. 29) (the "Objection").

3. Upon further review of the POC it was determined that the POC was filed in error. Ms. Cavanaugh is not a signatory to the Note. A copy of the Note is attached to the POC. CitiMortgage saw Ms. Cavanaugh's signature on the Loan Modifications and mistakenly believed that she was liable on the Note. A copy of the Loan Modification is attached to the POC. However, Ms. Cavanaugh's signed the Loan Modifications as a "Non-Borrower Spouse".

4. Ms. Cavanaugh does not owe a debt to CitiMortgage, therefore on July 8, 2020 CitiMortgage filed a Notice of Withdrawal of the Proof of Claim (docket no. 31).

5. Pursuant to Bankruptcy Rule 3006 as a result of the Objection, CitiMortgage is required to seek leave of the Court before a withdrawal of the POC is allowed.

WHEREFORE, CitiMortgage requests that the Court enter an order allowing the withdrawal of Proof of Claim No. 9 in the amount of \$154,682.26, with arrears of \$23,904.43.

DATED: 7/22/2020

/s/ Stephanie Schaeffer

Stephanie Schaeffer, Esq.

Attorneys for CitiMortgage, Inc., its
assignees and/or successors, by and
through its servicing agent Cenlar FSB